

*** NOT FOR PUBLICATION ***

NO. 25750

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellant

vs.

KEOKI JAMES HUDDLESTON, Defendant-Appellee

APPEAL FROM THE SECOND CIRCUIT COURT
(CR. NO. 01-1-0210)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that the State of Hawai'i appeals pursuant to HRS § 641-13(6) from the sentence imposed by the circuit court in Cr. No. 01-1-0210. The sentence of the circuit court is the January 21, 2003 judgment and the time for appealing the sentence commenced upon entry of the January 21, 2003 judgment or service of the defendant's February 11, 2003 notice of appeal and not upon entry of the March 6, 2003 order denying the motion for mandatory minimum term sentencing. See HRAP 4(b)(1), 4.1(a)(3) and 4.1(b)(1). The April 4, 2003 notice of appeal is an untimely appeal from the January 21, 2003 judgment and we lack jurisdiction over this appeal. See State v. Brandimart, 68 Haw. 495, 497, 720 P.2d 1009, 1010 (1986) ("compliance with the requirement of the timely

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filing of a notice of appeal [by the State in a criminal case] is jurisdictional."). Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, July 8, 2003.